



Response Under 37 C.F.R. § 1.116
Expedited Procedure
Examining Group 2600

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Confirmation No. 5381
Hiroyuki SAYUDA)	
)	Group Art Unit: 2625
Application No.: 09/629,464)	
)	Examiner: J. Thompson
Filed: July 31, 2000)	
)	
For: IMAGE PROCESSING APPARATUS)	Mail Stop AF
AND IMAGE FORMING MEDIUM)	

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop AF
Alexandria, VA 22314

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In response to the final Office Action of August 2, 2007 (Paper No. 20070723), Applicant respectfully requests a pre-appeal brief for review of the pending rejections. This request is being filed with a Notice of Appeal.

Claims 25-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reber (US, 6,138,151) in view of Bhattachariya et al. (US, 6,456,393).

Applicant respectfully submits that the final rejections of claims 25-35 under 35 U.S.C. § 103(a) is improper for the following reasons. For purposes of argument, only the independent claims 25 and 31 will be addressed.

The Applicant's claimed invention is directed to an image processing apparatus and an image forming medium that, for any hyper document, embeds information for accessing the related information corresponding to the image elements without collapsing the appearance of the image elements and enables the quick access to the related information. Specifically, the image processing method (claim 31) of the present invention includes amongst other features, "generating an image data including an image element based on a document data, the document data including link information and appearance information," "receiving identification information corresponding to the link information" "generating a control data to embed the identification information by superimposing over the image element based on the appearance information," and "generating pixel data based on the image data and the control data, the pixel data including the identification information superimposed over the image element, wherein the image element excludes any one of the link information, the related information and the identification information." Further, the claimed image processing method is incorporated in the image processing apparatus (claim 25) of the present invention.

Reber teaches a system for navigating an electronic network using a printed publication. Specifically, Reber teaches methods, systems, and articles for automatically navigating an electronic network to a destination associated with an article in a printed publication (col. 3, lines 11-15). The system of Reber is disclosed in FIG. 1. However, Applicant respectfully submits that the Final Office Action dated August 2, 2007 improperly applied Reber combined with an other cited reference to reject at least the independent claims 25 and 31 of the present application.

In the Final Office Action dated August 22, 2007, the Office alleges that Reber discloses an image processing apparatus (FIG. 1 of Reber) comprising an image data generation unit (element 42 of FIG. 1) that generates an image data including an image element (printed code) based on a document data (col. 4, lines 13-19 of Reber).” The Office further alleges that Reber discloses “an embedding data generation unit (element 46 of FIG. 1) that received identification information corresponding to the link information (col. 6, lines 10-24 of Reber)” and “configured to generate a control data to embed the identification information by superimposing over the position of the image element (e.g., next to the article) based on the appearance information (col. 7, lines 7-17 of Reber).” Applicant respectfully disagrees.

First, Reber teaches a making of human readable digits or bar code (i.e., alleged to be the image element as claimed) in addition to the image element (i.e., described as article in Reber) on the printed publication. Specifically, Reber teaches a method of making the printed publication that includes the printed code (i.e., alleged to the image element as claimed) (col. 6, line 67 to col. 7, line 19, FIG. 2) where one-dimensional or two-dimensional printed code (bar code) is used to identify its associated article (i.e., image element) and its respective destination (col. 3, line 54 to col. 4, line 12). Applicant respectfully submits that the method of Reber is limited to producing the printed publication having the human readable digits (bar code) separate from the articles. As disclosed at col. 7 lines, 13-18, Reber particularly points out that each of the code is printed adjacent to its associated article, or alternatively, the codes can be printed in the form of an index which may or may not be adjacent to the articles. In other words, Reber requires that the printed code (i.e., identification information as claimed) be printed separate from the article (i.e., image

element as claimed) and the printed code is to remain visible at all times. Therefore, Reber does not teach or suggest at least the features of embedding the information that identify a destination associated with an article by superimposing such information over the article because Reber purposely creates a printed code that is separate from the article. In contrast, Applicant's claimed invention does not require generating a human readable image (i.e., bar code) separate from the image element (i.e., articles) because the identification information are superimposed over the portion of the image element.

Second, because the printed code is prepared separate from the article in Reber, the printed code occupies some portions of the publication. Therefore, a total area used for printing the article on the publication may be minimized. However, in the Applicant's claimed invention, a total area used to print the image element is essentially unchanged.

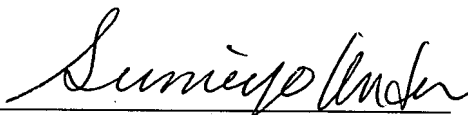
Third, the second reference Bhattachariya et al. fails to overcome the above deficiencies of Reber.

In view of the arguments presented above, Applicants respectfully assert that the Office improperly dismisses the above distinctions and improperly combines Reber with Bhattachariya et al. to reject at least independent claims 25 and 31. Since Reber fails to teach or suggest the above-discussed features, Applicant respectfully submits that the Office has not established a prima facie case of obviousness.

In view of the foregoing, Applicant respectfully submits that the rejections made in the Final Office Action are in error and therefore should be withdrawn. If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Sumiyo Onda
Reg. No. L0289

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Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001